FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
WRIT PETITION NO: 347/2007
(Smt.Nina Manojkumar Jha vs. Bank of Maharashtra and another)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.

Court's or Judges Order

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Mr. A.V.Bhide, Adv.for petitioner

CORAM: A.H. JOSHI & R.C.CHAVAN,JJ.
DATED: 13th SEPTEMBER, 2007.

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Heard.

2. Petitioner challenges withdrawal of the scheme of appointment on compassionate grounds and payment of compensation in lieu thereof. Challenge is based on the reported judgment in the case of ***Balbir Kaur and another vs. Steel Authority of India Ltd. (2000) 6 SCC 493.***

3. It is seen that in the case of Babir Kaur (supra) while Steel Authority of India Limited had withdrawn or abandoned the scheme of compassionate appointment in lieu of which the Management is paying monthly payment/ salary at the rate of last pay drawn against the dependent/s of deceased employee on depositing with the Company the amount of

gratuity and Provident Fund. This act of the employer was held to be violative of the statutory right available to the employee/s.

4. Facts of the present case are totally different. The ratio laid down in the case of Balbir Kaur, aforesaid, has no application to the present case.

5. The petitioner has not been able to show that the employer has no power to discontinue with the scheme of compassionate appointment.

6. The scheme is otherwise not shown to be unreasonable.

7. The fact that the deceased employee was heavily indebted and has a debt to satisfy, that the Bank has filed the suit, are the facts personal to the case and do not by themselves constitute a ground for substantiating the challenge with the scheme that the scheme has suffered from lack of authority.

8. In this background, we hold that the petitioner does not merit interference and the same is rejected.

JUDGE JUDGE

sahare